

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE FIGUEROA,

Plaintiff,

-against-

87 E 4 STREET REALTY, INC.
and SHLOMO MISHKIT,

Defendants.

17cv09701 (AJN) (DF)

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

The above-captioned action, brought by plaintiff Jose Figueroa (“Plaintiff”) pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12181, *et. seq.*, and the New York State and New York City Human Rights Laws, has been referred to this Court for general pretrial supervision. (Dkt. 17.) Currently before this Court is a motion filed December 3, 2018 by Nolan Klein, Esq., and Hector V. Ramirez, Esq., of the Law Offices of Nolan Klein, P.A. (the “Klein Firm”), as counsel of record for defendants 87 E. 4 Street Realty and Shlomo Mishkit (“Mishkit”) (collectively, “Defendants”), seeking leave to withdraw from their representation of Defendants on the ground that Defendants have failed to pay legal fees to the Klein Firm that are due and owing. (Dkt. 37 (“Motion To Withdraw”).) On December 5, 2018, this Court held a telephone conference with counsel for the parties, during which Plaintiff’s counsel indicated that Plaintiff would be filing an opposition to the Motion To Withdraw. To date, however, no opposition has been filed. Accordingly, it is hereby ORDERED as follows:

1. This Court will hold a telephone conference on February 7, 2019, at 10:00 a.m. (EST), with counsel for the parties jointly initiating a call to my Chambers at that time. Along with counsel, individual defendant Mishkit is directed to participate in this conference, as is a

corporate representative of defendant 87 E. 4 Street Realty. If Mishkit is an authorized representative of 87 E. 4 Street Realty, then he may appear at the conference in both his individual and corporate capacity.

2. Defendants are cautioned that a corporation cannot defend itself in this Court without being represented by an attorney. Therefore, if this Court grants the Motion To Withdraw, then, unless 87 E. 4 Street Realty obtains new counsel to represent it in this action, it will be in default and a default judgment may be entered against it.

3. If either defendant retains new counsel in this action prior to February 7, 2019, then a formal Substitution of Counsel should be duly filed, and new counsel should also appear at the scheduled conference.

4. The Klein Firm is directed to forward a copy of this Order to Defendants, so that they will have notice of the conference and of this Court's requirement that they attend the scheduled telephone conference, together with counsel.

Dated: New York, New York
January 24, 2019

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All counsel (via ECF)